

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

WALLACH et al

Appln. No. 08/485,129

Filed: June 7, 1995

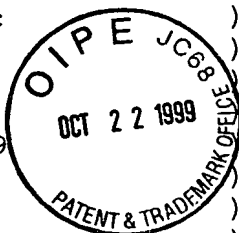
For: ISOLATED DNA ENCODING TUMOR)
 NECROSIS FACTOR BINDING)
 PROTEIN II, AND VECTORS,)
 HOSTS AND PROCESSES USING)
 SUCH DNA)

FINANCE BRANCH

Washington, D.C.

October 21, 1999

Atty.Docket: WALLACH=5B



#28

REQUEST FOR REFUND

Honorable Commissioner of Patents and Trademarks
 Washington, D.C. 20231

Sir:

Attached hereto is a copy of our Monthly Deposit Account Statement with respect to the present application. On August 30, 1999, an unauthorized (see highlighted area on the attached Monthly Deposit Account Statement) charge appeared on the deposit account of the undersigned 02-4035. The fee charged was a \$300 Notice of Appeal fee.

35 USC 134 states:

An applicant for a patent, any of whose claims has been twice rejected, may appeal from the decision of the primary examiner to the Board of Patent Appeals and Interferences, having once paid the fee for such appeal.

In this application, applicant previously filed a Notice of Appeal on November 3, 1997 (copies of the Notice of Appeal and the postcard bearing the PTO receipt stamp attached), in which the fee had already been paid. Prosecution was subsequently reopened

RECEIPT ACCOUNTING
DIVISION

OCT 22 1999 11:30

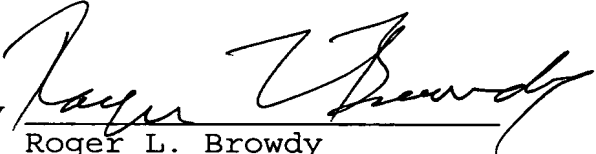
In re Appln. No. 08/485,129

in accordance with 37 C.F.R. §1.129(a). As no decision on appeal was reached following the previous filing of a Notice of Appeal, applicant is not required to pay the Notice of Appeal fee for a second time.

It is respectfully requested that applicant be granted a refund and the amount of \$300.00 be credited to the deposit account no. 02-4035 rather than being refunded by check.

Respectfully submitted,
BROWDY AND NEIMARK, P.L.L.C.

Attorneys for Applicant(s)

By 
Roger L. Browdy
Registration No. 25,618

RLB:al
Telephone: (202) 628-5197
Facsimile: (202) 737-3528
Attachments

roger\wall5b.req



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office

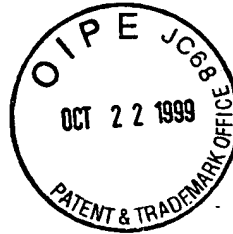
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

MONTHLY STATEMENT
OF DEPOSIT ACCOUNT

To replenish your Deposit Account, detach and
return top portion with your check. Make check
payable to Commissioner of Patents & Trademarks.

BROWDY AND NEIMARK
PATRICIA MCINN
419 SEVENTH ST., N.W.

WASHINGTON DC 20004



FINA

Account No.	024035
Date	8-31-99
Page	2

PLEASE SEND REMITTANCES TO:
Patent and Trademark Office
P.O. Box 70541
Chicago, Ill. 60673

DATE POSTED			CONTROL NO.	DESCRIPTION (Serial, Patent, TM, Order)	DOCKET NO.	FEE CODE	CHARGES/ CREDITS	BALANCE
MO.	DAY	YR.						
8	26	99	154	09319959	LIVSHIZ 2	704	-420.00	17385.07
8	30	99	1	08981559	(Int) WALLACH=20	115	110.00	17275.07
8	30	99	3	08675773	DIAMOND=1A	105 (Int)	126.00	17149.07
8	30	99	6	08485129	(Int) WALLACH=5B	119	300.00	16849.07
8	30	99	73	60096528	ALTAMURA=1	567 (Newb)	30.00	16819.07
8	30	99	74	60089759	HASSAN=1	567 (Bron)	30.00	16789.07
8	30	99	75	60098199	GIOIA=2	567 (Gioi)	120.00	16669.07
AN AMOUNT SUFFICIENT TO COVER ALL SERVICES REQUESTED MUST ALWAYS BE ON DEPOSIT.					OPENING BALANCE	TOTAL CHARGES	TOTAL CREDITS	CLOSING BALANCE
					17047.33	2667.26	2289.00	16669.07

*** O.D. INDICATES OVERDRAW

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

WALLACH et al

Serial No.: 08/485,129

Filed: June 7, 1995

For: ISOLATED DNA ENCODING TUMOR)
NECROSIS FACTOR BINDING)
PROTEIN II, AND VECTORS,)
HOSTS AND PROCESSES USING)
SUCH DNA)

BOX AF

Art Unit: 1816

Examiner: R. Schwadron

Washington, D.C.

November 3, 1997

Atty. Docket: WALLACH=5B

COPY

NOTICE OF APPEAL FROM THE PRIMARY EXAMINER
TO THE BOARD OF PATENT APPEALS AND INTERFERENCES

Honorable Commissioner of Patents and Trademarks
Washington, D.C. 20231

Sir:

Applicant hereby appeals to the Board of Patent Appeals and Interferences from the final rejection (or the rejection of claims for at least the second time), dated July 2, 1997, of the Primary Examiner. The claims appealed are claims 11-13, 34-38, 40, 41, 43 and 44.

The item(s) checked below are appropriate:

- ☐ Small entity status of this application under 37 CFR 1.9 and 1.27 has been established by a verified statement previously submitted.
- ☐ A verified statement to establish small entity status under 37 CFR 1.9 and 1.27 is enclosed.
- XXX The fee has been calculated as shown below:
- XXX \$310.00
- ☐ \$155.00 (small entity)
- ☐ Not required (fee paid in prior appeal)
- XXX Applicant hereby petitions for an extension of time in accordance with 37 CFR 1.136(a). The appropriate fee required by 37 CFR 1.17 is calculated as shown below:

Small Entity	Other than Small Entity
Response Filed Within	Response Filed Within
<input type="checkbox"/> First - \$ 55.00	<input checked="" type="checkbox"/> First - \$ 110.00
<input type="checkbox"/> Second - \$200.00	<input type="checkbox"/> Second - \$ 400.00
<input type="checkbox"/> Third - \$475.00	<input type="checkbox"/> Third - \$ 950.00
<input type="checkbox"/> Fourth - \$755.00	<input type="checkbox"/> Fourth - \$1510.00

month after time period set. month after time period set.

[XX] Less fees (\$110.00) already paid for 1 month extension of time on even date herewith.

XXX A check in the amount of \$310.00 is attached. (Check No. 16917)

XXX Please charge any deficit in the fee paid herewith to my Deposit Account No. 02-4035.

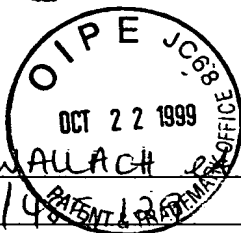
Respectfully submitted,
BROWDY AND NEIMARK, P.L.L.C.
Attorneys for Applicant(s)

By _____

ROGER L. BROWDY

Reg. No. 25,618

Telephone: (202) 628-5197



INUA

APPLICANT(S) WALLACH et al DKT. NO. WALLACH = 5B

SERIAL NO. 08/48 PATENT & TRADEMARK FILED June 7, 1995

THE PATENT AND TRADEMARK OFFICE
STAMP HEREON ACKNOWLEDGES RE-
CEIPT OF THE FOLLOWING PAPERS:

☒ FEES \$ 310.00 (CH. # 16917)

☐ MISSING PARTS RESPONSE W/DECL.

☐ INVITATION TO CORRECT DEFECTS

☐ AMENDMENT

☐ RESPONSE

☒ NOTICE OF APPEAL

☐ APPEAL BRIEF (TRIPLICATE)

☐ ASSIGNMENT

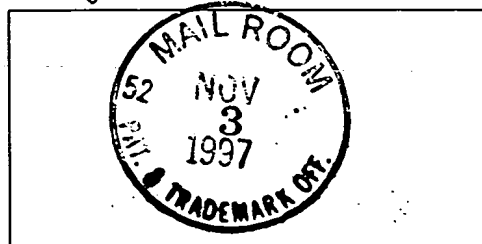
☐ EXTENSION OF TIME (____ MONTHS)

☐ PRIORITY DOCUMENT(S)

☐ LETTER TO DRAFTSMAN

☐ VERIFIED STATEMENT(S) UNDER 37 CFR 1.9 AND 1.27

☐ OTHER _____



☐ DEMAND FOR CHPT. II

☐ ISSUE FEE TRANSMITTAL FORM

☐ DECLARATION UNDER § _____

☐ INFORMATION DISCLOSURE STATEMENT

☐ _____ SHEETS OF DRAWINGS

☐ TRANSMITTAL LETTER

☐ MAINTENANCE FEE LETTER